

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

IN RE NATIONAL PRESCRIPTION

OPIATE LITIGATION

This document relates to:

Track Three Cases

MDL 2804

Case No. 17-md-2804

Hon. Dan Aaron Polster

PLAINTIFFS' NOTICE OF SUPPLEMENTAL AUTHORITY

Plaintiffs provide the court with the Findings of Fact and Conclusions of Law on Order Denying Pharmacy Defendants' Motions to Dismiss Complaints and Amended Complaints issued by the West Virginia Mass Litigation Panel on August 3, 2022 in *In Re: Opioid Litigation*, Civil Action No. 21-C-9000-Pharm, attached as exhibit A. The Pharmacy defendants in the within case rely on the decision of Judge Faber in the case of *City of Huntington v. AmerisourceBergen Drug Corp*, No. 3:17-01362, 2022 W. 2399876 (S.D.W. VA. July 4, 2022) in questioning the scope of abatement sought by Plaintiffs in this case. While the West Virginia Litigation Panel did not reach the issue of abatement, the decision of the West Virginia Litigation Panel broadly rejects many of the findings and conclusions of Judge Faber.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 8, 2022, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system. Copies will be served upon counsel of record by, and may be obtained through, the Court CM/ECF system.

/s/Peter H. Weinberger

Peter H. Weinberger